IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 129 of 2007()

Crime No.228/06 of Kumily Police Station

: PETITIONER/ACCUSED

VINOD KUMAR, S/O.MARUTHAMUTHU,
CHENKARA ESTATE LAYAM, CHENKARA KARA,
KUMALI VILLAGE, PEERUMEDU TALUK.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KUMILY POLICE STATION.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.129 of 2006

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Dated this the 11th day of January, 2007.

ORDER

Petitioner, who is the accused in Crime No.228 of 2006 of Kumily Police Station for an offence punishable under Section 376 I.P.C., seeks anticipatory bail.

2. The case arose out of a private complaint lodged by one Radhika, who is stated to be the wife of the petitioner. The marriage of the petitioner with the said Radhika is said to have taken place on 6.2.2002 and the dates on which the alleged occurrence of rape took place are 28.10.2001 and 30.10.2001.

3. After hearing both sides and after perusing the documents produced by the petitioner, even though I am not inclined to grant anticipatory bail to the petitioner, I am inclined to give the petitioner an opportunity to surrender before the Investigating Officer and file an application for regular bail and have the same considered by the Magistrate. Accordingly, the petitioner shall surrender before the Investigating Officer any day between 12.1.2007 and 16.1.2007 for the purpose of interrogation. After interrogating the petitioner, the

Investigating Officer shall produce the petitioner before the Magistrate having jurisdiction on the same day. The Magistrate shall consider and dispose of the bail application, if any, filed by the petitioner preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

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